

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 600/2900

NOV 06 2003

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Applicants Broadfield et al.

Atty. Docket No.: PYX3319C

Serial No.: 10/042,106

Examiner: G. Crawford

Filing Date: January 7, 2002

Art Unit: 1615

Entitled: SYSTEM AND APPARATUS FOR THE STORAGE AND DISPENSING OF ITEMS

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.10(A)**

Date of Deposit: 10/21/03

I hereby certify that this correspondence is being deposited with the U.S. Postal Service, as U.S. Express Mail No. EV294968391US in an envelope addressed to the Commissioner for Patents, MAIL STOP - OFFICE OF PETITIONS (FEE), P.O. Box 1450, Alexandria, Virginia 22313-1450.

  
Jennifer Warner

**PETITION FOR REINSTATEMENT UNDER 37 C.F.R. §1.181**

Pursuant to 37 C.F.R. §1.181, Applicants hereby petition to have the above application reinstated. Applicants filed the application in January of 2002. Within a two month period, Applicant received the return postcard back from the USPTO indicating the serial number and verifying the filing date. In July of 2002, Applicants submitted a Supplemental IDS form. A follow-up date of 1 year, July 2003, to check on the status of the application was entered into the undersigned's docketing system by the undersigned's Paralegal, Jennifer Warner, who handles all docketing for patent matters in our office.

I made a status call to the Examiner, Gene Crawford, about this patent application on July 15, 2003. Examiner Crawford was the Examiner in the parent application. Examiner Crawford said that the application had not yet been assigned to him and that the application remained at the Initial Patent Examination Division (IPED).

Ms. Warner contacted the IPED. This Notice to File Missing Parts was never received.

10/09/2003 AUONDAF1 00000045 10042106

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by the undersigned nor by Ms. Warner who receives all incoming correspondence from the Patent and Trademark Office and docket all due dates, pulls the patent file and gives the file to the responsible attorney, which is the undersigned for this patent application. Applicant also never received a Notice of Abandonment from the USPTO.

This application is a continuation of U.S. Serial No. 09/087,388, filed May 29, 1998, now U.S. Patent No. 6,116,461 and U.S. Application 09/589,552, filed June 7, 2000, now U.S. Patent No. 6,338,007. Applicant hereby submits, contemporaneously herewith, copies of the original Oath/Declaration and supporting documentation from the parent application, U.S. Serial No. 09/087,388.

Also filed herewith is a Verified Statement of Facts from Ms. Warner which sets forth the facts surrounding this matter. A Fee Transmittal Form is also filed herewith which authorizes the Commissioner to withdraw the petition fee and any other fees associated with the above request from Applicant's Deposit Account.

Should the Office of Petitions have questions regarding the above, they are invited to contact the undersigned attorney.

Respectfully Submitted,

By: Michael D. Steffensmeier

Michael D. Steffensmeier  
Reg. No. 37,735  
Cardinal Health, Inc.  
7000 Cardinal Place  
Dublin, Ohio 43017  
Phone: (614) 757-7861  
Fax: (614) 757-2243



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants Broadfield et al. Atty. Docket No.: PYX3019C1  
Serial No.: 10/042,106 Examiner: G. Crawford  
Filing Date: January 7, 2002 Art Unit: 1615  
Entitled: SYSTEM AND APPARATUS FOR THE STORAGE AND DISPENSING  
OF ITEMS

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.10(A)

Date of Deposit: 10/21/03

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*Jennifer Warner*  
Jennifer Warner

**VERIFIED STATEMENT OF FACTS IN SUPPORT OF  
PETITION FOR REINSTATEMENT**

I, Jennifer S. Warner, hereby depose and state the following:

1. I am the Intellectual Property Administrator for Cardinal Health, Inc. and report to Michael D. Steffensmeier Esq., Senior Intellectual Property Counsel for Cardinal Health, Inc..
2. Pyxis Corporation, assignee of the above application, is a wholly-owned subsidiary of Cardinal Health, Inc.
3. I receive all incoming correspondence related to patents and trademarks at Cardinal Health and docket due dates, pull the file and give the files and correspondence to the responsible attorney.
4. On January 7, 2002, the above application was filed with the USPTO.
5. The self-addressed, stamped postcard that we filed with the application was received shortly thereafter indicating the serial number and confirming the filing date of the application.

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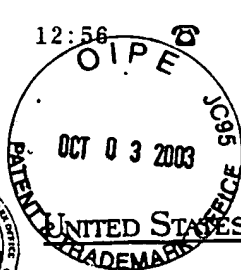
6. An entry was made on our docketing system for 6 months from the filing date to file an Information Disclosure Statement. A Supplemental IDS was filed on July 9, 2002.
7. A date of July 15, 2003 was placed on the docketing system to double check the status of the application.
8. On July 15, 2003, a call was made by the responsible attorney, Michael Steffensmeier, to the Examiner in the parent application, Gene Crawford, to determine the status of the application.
9. Mr. Steffensmeier transferred a voice mail message to me that was left by Examiner Crawford, who said that the application never made it to him and that it was still listed as being with the Initial Patent Examination Division (IPED)
10. I placed a call, on July 15, 2003, to the IPED (Mrs. Young). She said that a Notice to File Missing Parts had been sent to us on February 21, 2002 and was never responded to. She faxed me a copy of this Notice so that we could petition to reinstate the application.
11. I never received the Notice to File Missing Parts allegedly mailed on February 21, 2002 and only had the docket entry for the status update on the docketing system.

By: Jennifer Warner  
Jennifer S. Warner  
I.P. Administrator  
Cardinal Health, Inc.

State of Ohio  
County of Franklin, ss:

Sworn to before me and subscribed in my presence this 2nd day of  
October, 2003.

Cynthia A. Koziol  
Notary Public  
  
CYNTHIA A. KOZIOL  
Notary Public, State of Ohio  
My Commission Expires 07-01-07



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/042,106	01/07/2002	Laird Broadfield	PYX3019C1

CONFIRMATION NO. 6156

## FORMALITIES LETTER

\*OC000000007513255\*

Michael D. Steffensmeier  
Cardinal Health, Inc.  
7000 Cardinal Place  
Dublin, OH 43017

Date Mailed: 02/21/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

Adjustment date: 03/02/2004 TL0011  
12/22/2003 SSANDARA 00000004 500256  
02 FC:1051 130.00 CR

A copy of this notice **MUST** be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

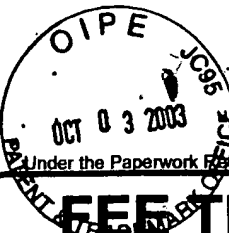
03/02/2004 TL0011 00000003 500256 10042106

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DAK \$

PTO/SB/17 (10-03)

Approved for use through 07/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 130.00

## Complete if Known

Application Number 10/042,106  
Filing Date January 7, 2002  
First Named Inventor Laird Broadfield  
Examiner Name G. Crawford  
Art Unit 1615  
Attorney Docket No. PYX3019C1

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## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number  
Deposit Account Name

50-0256

Cardinal Health, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$ )

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue Independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	130.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 130.00

## SUBMITTED BY

Name (Print/Type) Michael D. Steffensmeier  
Registration No. (Attorney/Agent) 37,735  
Telephone 614-757-7861  
Signature *Michael D. Steffensmeier*  
Date October 2, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. If you have any comments or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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